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MATTERS RELATING TO COMMITMENTS

FIRST REVIEW OF INFORMATION COMMUNICATED BY EACH PARTY INCLUDED IN ANNEX I TO THE CONVENTION

Guidelines and procedures for first communications

Note by the interim secretariat

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I. INTRODUCTION

A. Committee mandate

1. At its eighth session, pursuant to a fruitful discussion of document A/AC.237/36 and Add.1 on the first review of information communicated by each Party included in Annex I to the Convention, the Committee requested the interim secretariat to undertake the following tasks (A/AC.237/41, paras. 58-60):

(a) To provide draft guidelines for the preparation of communications from Annex I Parties for consideration by the Committee at its ninth session;

(b) To prepare a paper on methodologies for the assessment of the effects of measures on emissions trends; and

(c) To propose an efficient procedure for distributing and translating communications, including an estimate of the costs of meeting such needs.

2. The Committee also took note of an initiative by a group of countries and organizations included in Annex I and other organizations relating to the preparation of national communications. It proposed that these countries and organizations report to the Committee at its ninth session on the results achieved so that the Committee might take advantage of their contribution.

B. Scope of the note

3. This note addresses the requests for guidelines and for a distribution procedure. The methodologies for assessing the effects of measures are considered in document A/AC.237/44.

4. The present note builds on document A/AC.237/36 and Add.1 and seeks to reflect the discussions that took place at the eighth session. It should be read in concert with document A/AC.237/44, which addresses methodologies for inventories and methodologies for assessing the effects of measures, and document A/AC.237/46, which, in considering the roles of the subsidiary bodies, addresses issues relating to the process for the first review of information, including supporting analysis and synthesis of communications. Relevant conclusions on these issues will need to be reflected in the guidelines for communications. Any report from the group of Annex I countries on the initiative mentioned in para. 2, above would also be a useful contribution to the consideration of this agenda item.

C. Possible action by the Committee

5. The discussions at the eighth session highlighted the severe time constraints faced by Annex I Parties in preparing and submitting their first communications. If the Convention enters into force during the first quarter of 1994, these communications will be due by the end of September 1994, at the latest. **A decision on guidelines for the preparation of communications is therefore required at the ninth session if these guidelines are to be available to Annex I Parties in time to be useful.** In the absence of such a decision, the consistency, transparency and comparability of the communications cannot be assured. The diversity in approaches employed

in the preliminary national communications received to date highlights the importance of adopting such guidelines. To fail to do so would have implications for how the process of considering the communications would unfold and for how conclusions might be drawn from that process.

6. In view of this reality, it is proposed that the Committee, at its ninth session, adopt provisionally a set of guidelines for the preparation of communications by Annex I Parties. Guidance is also sought from the Committee on issues surrounding the periodicity of submission of subsequent communications by Annex I Parties. Such guidelines and guidance on periodicity could be reviewed and updated by the Conference of the Parties (COP) pursuant to the experience gained in the first review of information.

7. With regard to the distribution and translation of communications, the Committee is invited to consider the proposed procedure with a view to taking a decision at the ninth session on the procedure to be followed in the period leading up to the first session of the COP (COP 1).

II. DRAFT GUIDELINES FOR THE PREPARATION OF COMMUNICATIONS BY ANNEX I PARTIES

A. Convention provisions

8. The Convention offers the following directions on the specific issue of guidelines for the preparation of the communications by Annex I Parties:

(a) The communications shall include "a detailed description of the policies and measures ... adopted" to implement the Article 4.2(a) and (b) commitment (Article 12.2(a));

(b) The communications shall include "detailed information ... on [the] resulting projected anthropogenic emissions by sources and removals by sinks" for the relevant greenhouse gases to the end of the present decade (Article 4.2(b)) and, in the words of Article 12.2(b), "a specific estimate" of the effects that such policies and measures will have on emissions and removals by the end of the present decade;

(c) The communications shall be "in accordance with Article 12" (Article 4.2(b)) which provides that communications shall, in addition to the above, include:

- A national inventory of emissions and removals
- A general description of the steps taken or envisaged
- Any other information deemed relevant

(d) For Annex II Parties, the communications shall incorporate "details of measures taken in accordance with Article 4, paragraphs 3, 4, and 5" (Article 12.3).

B. Committee discussions

9. The Committee, in its deliberations on this matter at the eighth session, concluded that guidelines for the preparation of the first communications of Annex I Parties should ensure consistency, transparency and comparability of information across communications (see A/AC.237/41, para. 58). The need for some flexibility, taking account of specific national situations, was also recognized. The Committee asked the interim secretariat, in particular, to outline the following:

(a) The minimum core information necessary;

(b) The type and level of detail of data;

(c) Periodicity of submission; and

(d) Methodologies for evaluating the effectiveness of measures undertaken.

It was suggested that the issue of confidentiality of data should be left aside until the need for such rules had been demonstrated. The Committee examined a list of possible common elements to be addressed in communications by Annex I Parties (see annex II to document A/AC.237/36) and other proposals.

C. Draft guidelines

10. The following guidelines have been developed on the basis of the text of the Convention and the discussion at the eighth session, taking into account the documents prepared for that session and those preliminary communications that have been transmitted to the secretariat. The guidelines have three principal purposes:

(a) To assist Annex I Parties in meeting their commitments under Articles 4 and 12;

(b) To facilitate the process of considering the national communications, including the preparation of useful technical analysis and synthesis documentation, by encouraging the presentation of information in ways that are consistent, transparent and comparable; and

(c) To ensure that the COP has sufficient information to carry out its responsibilities to review the implementation of the Convention and the adequacy of the commitments in Article 4.2(a) and (b);

Coverage

11. In accordance with Articles 4.1(j) and 12.1(b), a communication would address the full range of a Party's actions to implement all its Convention obligations, including those relating to adaptation, research, education and other actions, in addition to those to limit emissions and enhance sinks. With regard to Annex II Parties, this would include measures to implement Article 4.3, 4.4 and 4.5.

Gases

12. In accordance with Article 4.2(a) and (b), a communication would address anthropogenic emissions and removals of all greenhouse gases not controlled by the Montreal Protocol.

Sources and sinks

13. In accordance with Articles 4 and 12, a communication should address all anthropogenic sources and sinks of greenhouse gases not controlled by the Montreal Protocol. Common source and sink categories would be used (see section on inventories (paras. 20-23) and section on policies and measures (paras. 24-28), below). It would be important, at appropriate points in the communication, to identify emissions from sources as distinct from removals by sinks.

Time horizon

14. Taking account of the provisions of Article 4.2(b), and in accordance with the conclusions of the Committee at its eighth session (A/AC.237/41, para. 42), the year 1990 should be the base year for inventories. Some averaging over a number of years might be considered for some sectors, in accordance with the guidelines developed by the Intergovernmental Panel on Climate Change (IPCC) on this matter and provided that such a procedure were clearly documented. The provisions of Article 4.6 may be relevant in this context for the Parties included in Annex I undergoing transition to a market economy.

15. Countries in a position to do so may wish to include inventory data for more recent years should these be available. This could take the form of a brief update on the 1990 profile. In accordance with the decisions of the COP on periodicity, subsequent communications could be expected to include inventory data for agreed future years.

16. The Convention requires that Parties provide information on projected anthropogenic emissions by sources and removals by sinks (Article 4.2(b)). An effective process for the consideration of such information requires that such projections be provided for at least one common reference year. Taking account of the time period specified in Article 4.2(a), it is proposed that, for the purposes of the first review of information, 2000 be used as the reference year. Parties would also be free to provide information corresponding to any year(s) prior to 2000. In view of the objective of the Convention and the intent to modify longer-term trends in emissions, it could also be appropriate, if so desired, to include projections that go beyond 2000 (for example, 2005 and/or 2010).

Transparency

17. The transparency of national communications is fundamental to the success of the process for the communication and consideration of information. This transparency is particularly important for inventories of emissions and removals and for assessments of the effects of measures.

18. In order to ensure the transparency of communications, Parties would provide documentation that is sufficient to allow a third party to understand calculations and major assumptions contained in the projections. Methods and assumptions would be clearly stated. Models used could be named and, if appropriate, described. Any published source used would be fully referenced.

19. Where appropriate, the level of certainty or uncertainty associated with particular conclusions or calculations could be specified. In cases where quantitative estimates were not possible, qualitative assessments could be useful. For example, efforts to validate assumptions or to estimate the effects of uncertainties in assumptions on emission/removal estimates and projections could be described.

Inventories

20. Article 12.1(a) requires that communications include a national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol. This information would be presented in accordance with the guidelines, as agreed, which are being considered by the Committee under item 2 (a) of the provisional agenda and will be the subject of a report by the IPCC (see A/AC.237/44). These inventory guidelines offer a default methodology available to any country that wishes to use it. Countries that already have an established and comparable methodology could continue to use that methodology, provided that they include sufficient documentation to back up the data presented (see A/AC.237/41, para. 40).

21. Parties could choose to publish detailed inventories separate from, but referenced in, their national communications and to include only the selected minimum information in their communications. In this context, Parties should refer to the information requested in the IPCC "Guidelines for national greenhouse gas inventories: greenhouse gas inventory reporting instructions". Annex I reproduces the IPCC source and sink categories and subcategories and provides an indication as to which ones should be considered as the minimum necessary for the purposes of a national communication.

22. Those Parties wishing to estimate the total contribution to climate change of a basket of greenhouse gases through the use of global warming potentials (GWPs) would do so on the basis of the conclusions on methodologies to calculate the contributions of different gases to climate change (see A/AC.237/44/Add.1). Such estimates would probably have to be based on a fully disaggregated and detailed inventory. A summary table with the original emissions and removals data could accompany any presentation of an inventory done on the basis of GWPs.

23. If possible, it would also be desirable to include some information on historical trends (for example, emissions and removals over the period 1970-1990) so as to put the inventory information in context.

Policies and measures

24. Article 12.2 requires Annex I Parties to communicate information on policies and measures they have adopted to implement their commitments under Article 4.2(a) and (b). Thus, the focus of the section on policies and measures would be on those actions which are being implemented. If Parties wish to include information on measures which are proposed or under consideration, this could be done in a separate section under the rubric of Article 12.1(b) which provides for a general description of steps taken or envisaged. Such a distinction is particularly important in the context of the discussion of the effects of measures, the projection of emissions and the review of adequacy of commitments.

25. A communication would include information on major policies and measures to implement the Convention. This would, at a minimum, include policies and measures adopted at the national level. Policies and measures adopted at the subnational level could also be included but some aggregation may be appropriate to maximize the utility of the information. The level of detail provided would be sufficient to convey a sense of the policy or measure's objective, degree of implementation and results expected. Additional guidance on this is provided in paras. 27 and 28, below. The communications could also note policies and measures that have been adopted in the context of an international or regional effort towards harmonization of national actions.

26. While a communication must include information on policies and measures taken to implement the Convention, it would also be useful to include information on policies and measures that may have been adopted for other reasons but which will have a significant impact on greenhouse gas emissions or removals.

27. How the information is presented will influence the comparability of communications and the resulting aggregation and analysis of data. In their "reports", "plans" and "strategies" issued to date, Annex I countries have used a variety of formats which, while having many similarities, are also marked by differences in categorizations and terminology. In order to enhance consistency and comparability, it may be useful to agree on a recommended approach to the presentation of policies and measures. The following is proposed for consideration:

(a) The overall policy context for the policies and measures adopted could be presented. This could include reference to other relevant polices as well as elaboration of national greenhouse gas targets;

(b) The first level of categorization would be at the sectoral level. The following categories, based on those used in the inventory methodology, the sectors mentioned in the Convention, and the sectors used in existing communications, are proposed:

(i) Energy sector measures (including energy transformation, electricity generation and energy extraction/distribution)

(ii) Transport and traffic sector measures

(iii) Industrial sector measures

(iv) Residential and commercial sector measures

(v) Agricultural sector measures

(vi) Forestry sector measures and land use changes

(vii) Waste management measures

(viii) Cross-sectoral measures

(c) Within each of these categories, policies and measures would be further described or grouped by type of measure or policy instrument. An indicative list of types of measures and policy instruments is attached as annex II. Some flexibility would be required where different types of measures are clearly meant to function as a "package" that works together to reduce emissions. Moreover, because some policies and measures fit into more than one category, some judgement will be required as to their categorization. There should be no double-counting.

28. It would also be useful, where appropriate, to indicate the following:

(a) Whether the policy or measure is compulsory (for example, legislated/regulated or economic instrument) or voluntary;

(b) The status of the policy or measure (for example, whether adopted, partially implemented, or fully implemented) and any information on experience to date;

(c) What milestones or qualitative objectives have been established for the measure; and

(d) The nature of the institutional support to the policy or measure (for example, monitoring, level of enforcement, whether supported by identifiable funds and the amounts of such funds).

Effects of measures

29. Article 4.2(b) provides that Annex I Parties shall communicate detailed information on the resulting projected anthropogenic emissions by sources and removals by sinks for the period in question. Further, Article 12.2(b) requires Annex I Parties to include in their communications a specific estimate of the effects of the policies and measures on emissions and removals for the period in question. For the first review of information, these assessments would, at a minimum, address the effect of the complete package of policies and measures on a Party's total projected emissions and removals with particular reference to the year 2000. To the extent that it is possible, it would also be useful to assess the effect of packages of policies and measures within each sector. The Committee may wish to consider whether it is possible to include assessments of the effects of each and every measure individually.

30. Information on the effects of policies and measures should be reported in accordance with the methodologies to be agreed and which are the subject of a separate discussion in document A/AC.237/44. In the context of the discussion of that document, it would be useful if the Committee could provide preliminary guidance to Parties on this matter for their first communications.

31. Reference or baseline scenarios (that is, the emissions and removals predicted in the absence of the policies and measures described in the communication) are not required by the Convention. The Committee may wish to consider whether the guidelines should encourage Parties to include such a scenario or scenarios in their communications if it believes this would be a useful background to the discussions of emissions projections.

Vulnerability assessment and adaptation measures

32. A communication would review briefly the expected impacts of climate change for the country concerned and outline the actions taken to implement Article 4.1(b) and (e) with regard to adaptation.

Joint implementation

33. The Committee is giving further consideration to criteria for joint implementation (see A/AC.237/49). These criteria are likely to include criteria on reporting of joint implementation activities. Annex I Parties wishing to include information on joint implementation activities in their first communications should take into account the discussion of criteria for joint implementation, and any conclusions thereon, from the ninth session. It would, however, be desirable to ensure that any discussion of the effects of measures distinguishes in a clear and transparent manner, joint implementation measures from domestic measures.

Finance and technology

34. The Convention requires that Annex II Parties report on:

(a) Their provision of new and additional financial resources pursuant to Article 4.3;

(b) The assistance provided in meeting the costs of adaptation pursuant to Article 4.4; and

(c) The steps taken, in accordance with Article 4.5, to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies or know-how.

35. As a consequence, and taking account of Articles 11 and 21.3, the communications from Annex II Parties would report on actions to meet the above obligations by including:

(a) Information on contributions to the Global Environment Facility for the 1994-1996 replenishment period;

(b) Information on new and additional financial resources provided through bilateral, regional and other multilateral channels in 1992 and subsequently for the implementation of the Convention (Article 11.5), specifying whether such resources are related to climate change mitigation or adaptation; and

(c) Other appropriate information, particularly with regard to technology transfer or access, with a delineation between governmental and private sector initiatives.

36. To the extent that it is possible, the communications could include information on expected future resource allocations consistent with the Convention provisions relating to predictable and identifiable resources (Article 11.3(d)).

Research and systematic observation

37. Pursuant to Articles 4.1(g), 5 and 12.1(b), Annex I Parties would communicate information on their actions relating to research and systematic observation. This would include information on:

- Research on the impacts of climate change
- Modelling and prediction, including global circulation models
- Climate process and system studies
- Data collection, monitoring and systematic observation, including data banks
- Socio-economic analysis, including both of the impacts of climate change and of response options

In order to avoid duplication, research relating to the development, application and commercialization of technology would be considered within the context of the discussion of policies and measures.

38. The communications would address both domestic programmes and contributions to international programmes, including the World Climate Programme, the International Geosphere-Biosphere Programme and the IPCC. They would also reflect actions taken to support related capacity building in developing countries.

39. The communications would be limited to reporting on actions undertaken rather than the results of such efforts. For example, the results of research studies or model runs need not be included.

Education, training and public awareness

40. In accordance with Articles 4.1(i), 6 and 12.1(b), Annex I Parties would communicate information on their actions relating to education, training and public awareness. This would include information on relevant domestic programmes and participation in international activities. For example, the extent of public participation in the preparation or domestic review of the national communication could be reflected.

41. In order to avoid confusion and duplication, it would be useful if education and information activities aimed specifically at limiting emissions or enhancing sinks were considered in the section of the communication on policies and measures.

Special considerations

42. Article 4 of the Convention includes two paragraphs that allow for the provision of special consideration to certain Annex I Parties. Paragraph 6 provides that "a certain degree of flexibility" shall be allowed by the COP to the Annex I Parties undergoing the process of transition to a market economy. Paragraph 10 requires the Parties, in the context of Article 10, to take into consideration the situation of Parties with economies vulnerable to the adverse effects of the implementation measures to respond to climate change.

43. Some Annex I Parties may, in the context of their first communications, seek to be accorded such "flexibility" or "consideration". If this were to be the case, those Parties would be expected to state clearly the special consideration they were seeking and to provide an adequate explanation of their circumstances.

Basic data (national circumstances)

44. Although not explicitly required by the Convention, a Party may wish to provide other information relevant to its greenhouse gas emission/removal profile. This would permit readers to put the information on its implementation of the Convention in context, could help to explain certain trends and would provide data valuable in the analysis and aggregation of the submissions. The information would tend to be "historical" in character, although the appropriate time period would vary from country to country. Relevant information could include the following:

(a) Population profile, for example, growth rates, population density and distribution, with some historical perspective (e.g. 1970-1990);

(b) Geographic profile;

(c) Climatic profile, for example, data on heating and cooling degree days and rainfall;

(d) Economic profile, for example, gross domestic product (GDP), GDP per capita, GDP growth rates, GDP by sector and imports and exports, with some historical perspective (e.g. 1970-1990);

(e) Energy profile, for example, energy consumption (by sector, fuel type, per capita, per unit of GDP), energy intensity and 1990 energy pricing for commercial and non-commercial consumers (including taxes), with some historical perspective (e.g. 1970-1990); and

(f) Social profile, for example, information such as average dwelling size, number of vehicles per capita and per family unit, and personal and freight traffic (billions km/person) by type (air, rail, road and public/private).

The Committee may wish to consider the appropriateness of the above data, and may wish to propose additional ones, with the view to providing useful comparative information.

Reference data

45. The Committee may wish to consider whether, as a complement to the information on policies and measures and national circumstances, it would be useful to include precise reference data on current standards or legislation which would have an effect on greenhouse gas emission/removal profiles, inter alia:

(a) Standards or legislation concerning energy efficiency or emission control, such as that regarding:

- Electricity production
- Industrial equipment and motors
- Institutional/commercial/residential building (envelope) standards
- Institutional/commercial/residential heating, ventilation, air conditioning, lighting and appliances
- Vehicles (including speed limits)

(b) Standards or legislation concerning waste, agriculture, land use or forestry practices:

- Nitrogen fertilizer use or nitrogen content of soils
- Urban and agricultural waste management, including methane recovery from landfills
- Reforestation or afforestation

(c) Legislation concerning the taxation or pricing of:

- Energy products or fuels
- Roads and highways
- Product packaging and garbage, including services

46. Such information would be in the spirit of Article 4.2(e)(i) on the coordination of relevant economic and administrative instruments and of Article 4.1(h) on the exchange of information. It would also result in useful comparative data.

Executive summary

47. A communication should include an executive summary that would present the key information and data from the full document. If the translation procedure proposed below is adopted, the executive summaries would be translated and distributed widely. They could, thus, become important tools of analysis. In view of the limits on translation, it would be useful to envisage an executive summary of no more than 10 pages.

Language

48. Annex I Parties are encouraged to submit their first communications in one of the working languages of the United Nations Office at Geneva where the interim secretariat is located, namely English or French. This would be without prejudice to the ulterior determination of official and working languages for the COP and the subsidiary bodies and for the Convention secretariat. (The issue of translation is discussed below in paragraph 64.)

Length

49. The length of a communication should be decided by the submitting Party. Every effort should be made to avoid overly lengthy communications in order to reduce the paper burden and to facilitate the consideration process.

D. Periodicity of submission

50. Article 12.5 provides that the COP shall determine the frequency of submission of subsequent communications. The Committee has not yet considered this issue but, as noted above, has asked the interim secretariat to address the matter. This note does not address the issue of periodicity of subsequent communications from developing country Parties.

51. There would appear to be two basic approaches to periodicity. First, Annex I Parties could, on the assumption that the COP will meet annually, submit their communications on an annual basis. This could, however, constitute a significant burden for Parties in terms of the time and resources required to prepare the communications. Questions could also be raised about the amount of new information that would be revealed on a year-to-year basis. Moreover, such an approach would have implications for the process of considering the communications and for the operation of the subsidiary bodies. The Convention institutions would be hard pressed to discharge their responsibilities to consider such a significant volume of communications in any meaningful way. This workload would be even heavier when communications from developing country Parties become due.

52. The second approach would require the submission of communications on a less-than-annual basis. If the Committee were to agree that this was appropriate, it may wish to discuss the following issues as the basis for a conclusion on this matter:

(a) What would be an appropriate interval between communications? Taking account of relevant Convention provisions, such as the schedule for the review of adequacy of commitments (second review not later than 1998) and the timing of first submissions from developing countries, arguments could be made for an interval of two, three or four years. The

outcome of the Committee's discussions of the roles and responsibilities of the subsidiary bodies and the review of adequacy of commitments could also be relevant to a decision on periodicity (see A/AC.237/46 and A/AC.237/47).

(b) Within the interval that is eventually decided, should all communications be due at the same time or should they be staggered with a given number being due in each year? While simultaneous delivery of communications would facilitate their comparability, which might be important in the context of any decisions on the review of adequacy of commitments, it might not lead to the most efficient use of the Convention institutions. Staggered communications would have the advantage of distributing more evenly over a number of years the process of considering the documents. Alternatively, all of the communications could be due at the same time but their consideration could be staggered over a multi-year period.

(c) If the communications were to be staggered, how would the scheduling be decided? The scheduling of the consideration of communications could be determined most simply on the basis of consultations amongst the Parties concerned. Issues that might need to be addressed include whether the communications of all members of a regional economic integration organization should be due and considered at the same time or distributed throughout the timing interval, and similarly, whether the communications from those Annex I Parties that are countries with economies in transition should all be due and considered at the same time.

III. PROPOSED PROCEDURE FOR DISTRIBUTION AND TRANSLATION

A. Convention provisions

53. The Convention addresses issues relevant to the distribution and translation of communications only briefly. Article 12.6 provides that the secretariat is to transmit the information communicated by Parties to the COP and to any subsidiary body concerned "as soon as possible". It also notes that the COP may consider further the procedures for the communication of information. The secretariat is further required under Article 12.10 to make the communications publicly available at the time they are submitted to the COP. The Convention does not address specifically the question of whether the communications should be translated.

B. Committee discussions

54. Document A/AC.237/36/Add.1 raises a number of issues relating to the transmission of information. These include the preparation of summaries, translation, the supply of printed copies by a Party, provision of communications on computer diskette, and procedures for wider distribution. During the discussions several delegations endorsed proposals that communications should include summaries, that these summaries be translated and that computer diskette copies of documents should also be available.

55. The Committee concluded that practical arrangements for distribution and transmission of communications were important (A/AC.237/41, para. 60) and asked the interim secretariat to propose "an efficient procedure", including a cost estimate, for consideration at the ninth session.

C. Proposed procedure

56. In developing the proposed procedure, the interim secretariat has been guided by three principles:

(a) Efficiency, that is, getting the necessary documents to Governments and others as quickly as possible;

(b) Cost-effectiveness, that is, achieving the desired result at the least cost to the Parties and to the United Nations; and

(c) Environmental responsibility, that is, limiting the reproduction of documents to that which is essential.

57. The following guidelines are proposed for consideration by the Committee. It should be noted that these guidelines address only the distribution of the actual national communications and their executive summaries and do not address any analysis or synthesis documents prepared by or for the organs of the Convention.

Transmission to interim secretariat

58. Each Annex I Party would, on or before the deadline specified in the Convention, provide the interim secretariat with 500 printed copies of its initial national communication. The interim secretariat may request additional copies. Each Party would also provide the full national communication, including all figures, graphics and annexes on diskette, or via electronic mail (where applicable), in their original software formats, including word processing, spreadsheet and other files. This would help the secretariat in the electronic archiving of the communications and in the preparation and dissemination of any summaries.

Distribution of communications

59. The interim secretariat would provide two printed copies, in the original language, of each communication to each Party in accordance with the United Nations distribution practices.

60. The interim secretariat would provide one printed copy, in the original language, of each communication in accordance with the United Nations distribution practices to:

(a) The representative of each signatory Government or observer Government;

(b) Interested United Nations offices, programmes, specialized agencies and organizations;

(c) Those intergovernmental organizations participating in the Committee;

(d) Those non-governmental organizations participating in the Committee;

(e) The major reference libraries within the United Nations system; and

(f) The United Nations Environment Programme/World Meteorological Organization Information Unit on Climate Change.

The interim secretariat would also ensure that it has available for public reference a copy of each communication.

61. Additional printed copies would be provided to the above Governments and organizations only to the extent that the interim secretariat had received them from the issuing Government. Parties would be given preference in such subsequent distribution. **The interim secretariat would not reproduce copies of the communications for distribution.** The interim secretariat would refer all other requests for copies to the issuing Government.

62. The interim secretariat would distribute the printed versions of the communications at intervals that balanced the need for speedy circulation with the need to economize resources.

63. The interim secretariat would also make available copies of the communications in electronic form via on-line electronic bulletin boards accessible over the Internet and via Public Data Networks (X.25). Copies would also be provided on computer diskette in response to demonstrated needs. Once the permanent secretariat has been established and its budget determined, consideration could be given to developing a full electronic archive of all national communications (for current and previous years) on CD-ROM and on on-line information systems.

Translation

64. The secretariat would arrange for the translation into the six official languages of the United Nations, of the executive summaries of the communications from Annex I Parties. There would have to be a length limit so as not to overload the translation capacities. Ten pages would appear appropriate.

Summaries

65. The interim secretariat would print, in the six official languages of the United Nations, individual copies of each executive summary received up to a maximum of approximately 10 pages per Party. These would be single documents and would be available on request and in reasonable numbers.

66. The interim secretariat would also publish, in the six official languages of the United Nations, a compilation of the aforementioned executive summaries. Because of the length of this document, however, it would enjoy a more limited circulation than the single summaries. It would be distributed in accordance with the procedures established in paras. 59 and 60 above. In addition, the interim secretariat would retain a limited number of copies for distribution in response to enquiries.

D. Estimated costs

67. On the basis of the procedure proposed above for the first communications from Annex I Parties, the following rough estimates of the associated costs have been developed for the Committee's information:

COST ITEM Assumption: 25 communications from Annex I Parties received	**ESTIMATED COST** (US dollars)
Distribution/mailing	10 000
E-mail costs	1 000
Preparing diskette copies	1 000
Translation (10 pages x 25 communications x 5 languages)	125 000
Printing costs:	
single summaries	30 000
compilation (2500 copies)	15 000
TOTAL	182 000

68. For the purposes of the calculation of the estimated costs of the proposed procedure, it has been assumed, based on the current pace of ratifications, that communications will have been received from 25 Annex I Parties by the time of COP 1. It should be noted that some of the above costs would, in normal circumstances, be borne by the United Nations Office at Geneva rather than directly by the interim secretariat. (The allocation of costs of future distribution procedures should be revisited in the light of the decision taken on the permanent secretariat.)

69. In addition to the above costs, several weeks of staff time would be required to manage this process. Some computing capacity would also be needed. These costs are reflected in the estimates of funding needs presented by the interim secretariat (see A/AC.237/54).

Annex I

GREENHOUSE GAS SOURCE AND SINK CATEGORIES
FOR CO_2, CH_4, N_2O, NO_X, CO, NMVOC

All main categories and those subcategories that appear in **bold type** are recommended as minimum information for the national communications.

TOTAL (NET) NATIONAL EMISSION

1. ALL ENERGY (FUEL COMBUSTION AND FUGITIVE EMISSIONS)

A. Fuel Combustion

Energy transformation and electricity production
Industry (ISIC)
Transport
Commercial/Institutional
Residential
Agricultural/Forestry
Energy from Biomass Fuels
Other

B. Fugitive fuel emissions

Crude oil and natural gas
Coal mining

2. INDUSTRIAL PROCESSES

A. Iron and steel
B. Non-ferrous metals
C. Inorganic chemicals
D. Organic chemicals
E. Non-metallic mineral products
F. Other

3. SOLVENT USE

A. Paint application
B. Degreasing and dry cleaning
C. Chemical products manufacture/processing
D. Other

4. AGRICULTURE

A. Enteric fermentation
B. Animal waste
C. Rice cultivation
D. Agricultural soils
E. Agricultural waste burning
F. Savannah burning

5. LAND USE CHANGE AND FORESTRY

A. Forest clearing
B. Conversion of grassland to cultivated lands
C. Logging managed forests
D. Abandonment of managed lands

6. WASTE

A. Landfills
B. Waste water
C. Other

Source: IPCC "Guidelines for national greenhouse gas inventories: greenhouse gas inventory reporting instructions", summary tables 23-24, (First draft), October 1993.

Note: Parties may include data for other greenhouse gases, including those controlled by the Montreal Protocol (see A/AC.237/41 para. 39), if they so choose. Discussions are under way involving the IPCC and the Ozone Secretariat on reporting procedures for these gases. Of particular importance would be the alternatives to ozone depleting substances that are not covered by the reporting requirements of the Montreal Protocol, notably HFCs.

Annex II

INDICATIVE LIST OF TYPES/CATEGORIES OF POLICIES AND MEASURES

1. **Economic or fiscal instruments**

   e.g.: Taxes, levies, charges, tolls, deposit/refund systems, tradable emission systems, and loan, grant or subsidy programmes.

2. **Regulatory measures**

   e.g.: Standards and norms, performance checks and mandatory information disclosure.

3. **Voluntary programmes**

   e.g.: Government-industry agreements, actions undertaken voluntarily by industry and energy/environmental auditing.

4. **Education and information programmes**

   e.g.: Information campaigns, product labelling and consumer advice.

5. **Direct Investment**

   e.g.: Government purchase specifications and investments in land use, afforestation or public transportation.

6. **Research and development measures**

   e.g.: Government or industry investment in technology development and demonstration projects.

Note: The examples provided are for illustrative purposes only and do not constitute a complete listing of examples of the types/categories of measures.

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FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Ninth session
Geneva, 7-18 February 1994
Item 2 (c) of the provisional agenda

MATTERS RELATING TO COMMITMENTS

THE ROLES OF THE SUBSIDIARY BODIES ESTABLISHED BY THE CONVENTION

Note by the interim secretariat

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I. INTRODUCTION

A. Committee mandate

1. At the eighth session of the Committee, Working Group I considered the roles of the subsidiary bodies established by the Convention in the context of agenda items relating to methodologies, criteria for joint implementation and the first review of information. It was concluded that further elaboration of the respective tasks of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI), as outlined in Articles 9 and 10, was needed before those bodies started working (see A/AC.237/41, para. 73). The Committee also adopted the following conclusions (see A/AC.237/41, paras. 70-72):

(a) The Committee agreed that, at its ninth session, a separate agenda item would be allocated to the consideration of the roles of the subsidiary bodies established by the Convention, including possible interim arrangements prior to the first session of the Conference of the Parties (COP 1);

(b) The interim secretariat was requested to prepare, for the ninth session, documentation offering options to clarify the respective roles of the subsidiary bodies, the relationships between them and their relationship with other bodies, including the Intergovernmental Panel on Climate Change (IPCC). The document should:

(i) Give due consideration to the timing of the meetings of the subsidiary bodies, as well as to the need for technical secretariat support, including human and financial resource implications;

(ii) Outline possible options available to satisfy the requirements of COP 1, with their full range of implications;

(iii) Take into consideration the documentation on methodologies and on the first review of information, as well as the existing experiences under other international legal agreements;

(c) The secretariat was asked to present the legal ramifications of three institutional options for carrying out the functions of the subsidiary bodies prior to COP 1.

B. Scope of the note

2. The intention of the present note is to assist the Committee to further elaborate the functions of the two subsidiary bodies before they start working. This note draws upon documentation prepared for the eighth session of the Committee (see A/AC.237/33, A/AC.237/34 and A/AC.237/36 and Add. 1) and on the preliminary discussions held at, and submissions to, that session. It also reflects relevant documentation prepared for the ninth session (see A/AC.237/44 on methodological issues, A/AC.237/45 on the first review of information communicated by Annex I Parties, A/AC.237/47 on the first review of the adequacy of commitments and A/AC.237/48 on the report on implementation).

3. Section II of this note describes possible functions that might be performed by the subsidiary bodies. Drawing on the text of the Convention, it then proposes which body might most appropriately carry out each function.

4. Section III summarizes the key points of the approach proposed for the allocation of functions between the subsidiary bodies. It also addresses the issue of scheduling of meetings of the bodies and their needs for technical and analytical support.

5. Section IV is intended to assist the Committee in its deliberations on the three institutional options proposed to satisfy the requirements of COP 1, commenting on their legal ramifications and their implications in terms of scheduling and related costs.

C. Possible action by the Committee

6. As this will be the first opportunity for the Committee to consider explicitly the roles of the subsidiary bodies, a thorough exchange of views, based on the issues raised in sections II and III, would be helpful. It should also be possible to reach some initial conclusions which could lead to the preparation of a document on draft recommendations to the COP on the roles and responsibilities of these bodies including recommendations on:

(a) The functions of the subsidiary bodies and their allocation; and

(b) The frequency and duration of the meetings of the subsidiary bodies.

The interim secretariat could be asked, on the basis of the discussions at the ninth session, to prepare such a draft document for consideration by the Committee at its tenth session.

7. With regard to the three institutional options identified at the eighth session and addressed in section IV, the Committee will have to decide on:

(a) A feasible institutional option to prepare for COP 1;

(b) How to make best use of the meeting time available to it, especially at its eleventh session;

(c) Whether additional meeting time will be needed; and

(d) The need for, and source(s) of, technical and analytical support, and related resource mobilization.

In the absence of such decisions it will be difficult to make the necessary meeting arrangements in time and impossible to ensure that the interim secretariat is properly equipped, in terms of staff and resources, to support the tasks of the Committee or the interim subsidiary bodies, if requested to do so.

II. POSSIBLE FUNCTIONS TO BE PERFORMED BY THE SUBSIDIARY BODIES

8. Articles 9 and 10 of the Convention describe in some detail the roles and responsibilities of the SBSTA and the SBI. In developing the proposed distribution of functions, as described in the following paragraphs, the interim secretariat drew primarily on the specific language of the Convention, and took account of the preliminary discussions on the issue at the eighth session. Special attention was paid to avoiding overlapping. It should be noted that the suggestions for the allocation of functions to the subsidiary bodies is intended to be general in scope and not confined to the period prior to COP 1. The Committee will, however, have to keep in mind whether, and how, these functions might be carried out in the interim period leading up to COP 1.

9. Eight possible functions of the subsidiary bodies are identified below (see subheadings A-H). The list is not intended to be exhaustive. For each function, there is a brief "discussion" of what it entails followed by "comments" by the secretariat including proposals for allocating the functions between the subsidiary bodies.

A. Review of scientific, technical and other information on the global situation

Discussion

10. The review of information on the global situation involves several tasks, such as reviewing international scientific, economic and technical literature to provide policy relevant information, compiling and synthesizing that information, and formulating requests to the appropriate entity(ies). These tasks are elaborated upon in the following paragraphs.

11. Review of international scientific, economic and technical literature to provide policy relevant information. As stated in document A/AC.237/36/Add.1, information on the global situation is needed not only as a basis for reviewing the adequacy of the commitments in Article 4.2(a) and (b), but also as a background or context against which information submitted in national communications can be considered. The scientific, technical and economic assessments of the IPCC and other relevant bodies would be carefully reviewed, summarized and, where necessary, converted into forms appropriate to the needs of the COP.

12. Compilation and synthesis of information. A further step would be a compilation and synthesis of the scientific, technological and economic information concerned, highlighting the findings of the above review. Such a report could note where and how the results of the global assessment relate to specific provisions of the Convention and identify any issues raised by the findings of the assessments.

13. Formulation of requests to competent scientific and technical bodies. Contributions from competent scientific and technical bodies will be important to the work of Convention institutions. Any specific requests to these bodies would have to be properly formulated prior to being transmitted. These could include requests for clarification or additional information on ongoing work and current results, requests for new work, or specific technical questions on which advice would be sought.

Comments

14. In the light of the provisions in Article 9.2(a) and (e), the above function would be most appropriately carried out by the SBSTA. Moreover, the eighth session saw widespread acceptance of the notion that the SBSTA would serve as the link between scientific assessments and the more policy-oriented needs of the COP. The SBSTA will have the expertise and mandate necessary to carry out this function, and can be expected to draw upon existing competent international bodies to carry out its tasks. The IPCC is one such body specifically referred to in the Convention in the context of interim arrangements (Article 21.2). Special attention will have to be paid to avoiding possible overlaps between the role of the SBSTA and that of other bodies. In this regard, it would be appropriate for the SBSTA to focus, in the near term, on preparing the information required for the review process, especially for the review of the adequacy of commitments, and on meeting the scientific and technical needs of the SBI and the COP.

B. Consideration of methodological questions

Discussion

15. Full implementation of the Convention will rely on the development of comparable methodologies for:

(a) National inventories of emissions and removals of greenhouse gases (Article 7.2(d));

(b) Projecting national emissions and removals and comparing the respective contributions to climate change of different gases (Article 4.2(b) and (c)); and

(c) Evaluating the effectiveness of measures undertaken pursuant to the provisions of the Convention (Article 7.2(d)).

Besides these methodological requirements inscribed in the Convention, there have been suggestions that possible additional methodologies may be needed, for example, for conducting impact/sensitivity analysis, assessing adaptation responses and quantifying the impacts of mitigation options on emissions and removals. In addition to these methodologies, which would be for the use of Parties in their national programmes and communications, other methodological tools might eventually become necessary to perform the review of national communications, especially for the aggregation of information for the purpose of assessing the overall effects of policies and measures. The interim secretariat, in document A/AC.237/50, para. 14, notes that guidelines, criteria or methodologies for the determination of "agreed full costs" and "agreed full incremental costs" could be a further possibility.

16. Likewise, any methodology, once developed, would have to be reviewed, with particular attention to criteria for transparency, consistency and comparability. It would have to be improved and refined on the basis of the latest scientific and technical knowledge and data resulting from initial use. In addition, Parties may require guidance and advice in using the methodologies agreed upon by the COP. The above tasks would be carried out in collaboration

with other intergovernmental bodies, such as the IPCC, and non-governmental organizations. Close collaboration and consistency would have to be ensured with related activities under relevant international agreements (see also A/AC.237/44).

Comments

17. Given its mandate to respond to scientific, technological and methodological questions (Article 9.2(e)), the SBSTA would be competent to carry out the above function in support of the COP and the SBI. Moreover, its relationship with other competent international bodies, as well as the expert character of its membership in the relevant fields of expertise, argue in favour of such an assignment. The SBSTA would be in a position to establish a collaborative network to satisfy the requirements of the Convention regarding methodology development.

C. Review of national communications

Discussion

18. The Committee, in its discussions on the process of how the national communications will be considered (see A/AC.237/41, paras. 61 and 62), agreed that "reviews should be facilitative, non-confrontational, open and transparent." It was also agreed that the subsidiary bodies should be responsible for the following tasks:

(a) A thorough analysis of the national communications including:

- Verifying methodologies used
- Comparing national data with authoritative international sources
- Noting the inclusion or absence of information and data, as well as their quality
- Reviewing projections of emissions by sources and removals by sinks and the assumptions on which those projections were based
- Assessing the comprehensiveness and effectiveness of climate mitigation and adaptation measures, as well as evaluating stated national impacts of climate change

(b) A compilation and synthesis of the information provided by the Parties, including the overall effects of policies and measures.

It was also acknowledged that additional information or visits to clarify national communications, with the prior approval of the country concerned, might be useful.

19. The above conclusions by the Committee imply that the subsidiary body would consider and reach conclusions on:

(a) Each national communication submitted; and

(b) Aggregate or synthesized information on the implementation of the Convention and the global effect of the measures undertaken.

Comments

20. Article 10 of the Convention gives the responsibility for considering information communicated in accordance with Article 12.1 and 12.2 to the SBI. The SBI is further mandated with the responsibility to assist the COP in the assessment and review of the effective implementation of the Convention. Consequently, it can be concluded that the SBI would have the primary responsibility for the consideration of the national communications.

21. It would be appropriate, and necessary, for the SBI to receive support and assistance in carrying out this function. The SBSTA could be asked to take up those tasks that are of a scientific or technical nature (for example, methodologies and inventories) and report to the SBI. Specific questions or requests for information could also be referred to the SBSTA. In order to digest the large volume of communications, the SBI would require technical and analytical staff support which could be provided by the secretariat or by some other means. An element of this support to the work of the SBI would be the visits to interested Parties. This could involve designated SBI members accompanied by the secretariat.

22. The SBI, in discharging the function of reviewing the national communications and reporting thereon to the COP, could be expected to have before it the following documents:

- The national communications
- An input from the SBSTA
- Inputs from the secretariat

A scenario along the following lines might be envisaged. The completion of the task of analysing the national communications could entail presentations by the submitting Parties, the discussion of each communication, and, if appropriate, reports on visits to Parties. Any necessary conclusions on the analysis of the communications could be made and a report to the COP adopted. The SBI could then turn its attention to the compilation and synthesis of the information provided by the Parties, including the overall effects of policies and measures. Some prior analytical work and aggregation would be necessary for the SBI to carry out this task effectively. On the basis of this work the SBI could be expected to reach conclusions and report to the COP. This report would compile and synthesize all aspects of the implementation of the Convention by the Parties, including the implementation of the financial commitments by Annex II Parties. It would also provide an estimate of the overall global effect of the measures undertaken to limit emissions and enhance sinks.

D. Review of the adequacy of commitments

Discussion

23. The results of the exercises described in sections A and C would provide the basis for the review of the adequacy of commitments called for by the Convention. Such a review rests on two elements, one linked to science and the other to the implementation of the Convention, and would provide an appreciation of whether changes in commitments are necessary (see also A/AC.237/47).

24. The first element, the scientific input, would consider questions such as whether the phenomenon of climate change and its impacts are providing greater or lesser cause for concern, and whether there is a greater degree of confidence in determining the ability of the Parties to take action to mitigate climate change. Some appreciation of whether or not the climate is changing or likely to change, the extent to which this is attributable to anthropogenic emissions and the extent to which this poses a threat, would have to come out of the review. The state of knowledge about potential regional impacts of climate change, especially in those regions that are most vulnerable and in relation to the ultimate objective of the Convention, would require special attention, as would costs and socio-economic factors associated with impacts, mitigation and adaptation options.

25. The second element, the input on implementation, would consider how the overall aggregated effect of the steps taken by Parties relates to the benchmarks set out in Article 4.2(a) and (b), to the modification of longer-term trends in anthropogenic emissions, and to the objective of the Convention.

Comments

26. The SBI is given the mandate, pursuant to Article 10.2(b) and (c), to assist the COP in carrying out the review of the adequacy of Article 4.2(a) and (b) and in the preparation and implementation of its decisions. The SBI would appear, therefore, to be the subsidiary body best placed to advise the COP on the adequacy of commitments, based on its own analytical work on the implementation of the Convention and on the scientific analysis done by the SBSTA. Such advice could extend to possible responses to the findings on the adequacy of commitments. These are discussed in the next section.

E. Possible follow-up to the review of the adequacy of commitments

Discussion

27. Document A/AC.237/47 identifies a number of possible follow-up actions to a decision by the COP on the review of the adequacy of commitments. Under some of these options, it could be envisaged that there would be a role for the subsidiary bodies, for example, in analysing proposals or options for amendments or protocols or for negotiations thereon.

Comments

28. Based on experience under other international environmental agreements, such as the Montreal Protocol on Substances that Deplete the Ozone Layer, the COP could delegate the preparation of a draft amendment or protocol to an ad hoc open-ended working group, keeping in mind that the responsibility for final adoption of any amendment or protocol lies with the COP. Alternatively, the COP might request the SBI to perform this function since Article 10.2(c) requires the SBI to assist the COP in the preparation and implementation of the latter's decisions, and it is open to participation by all Parties. If necessary, the SBI could, for that purpose, establish a special working party to lay the groundwork. Whichever forum were designated as responsible for negotiating amendments or protocols to the Convention could also rely on the work of the subsidiary bodies to assist it in performing this task.

F. Preparation of the report on implementation

Discussion

29. The outputs drawn from all the tasks described above could provide elements for the report on implementation (see A/AC.237/48). Some of the key inputs to that report would be drawn from the analysis of national communications, the scientific assessment and any COP decision on the review of the adequacy of commitments. Some of the sections of the report on implementation could be based upon inputs from the subsidiary bodies.

Comments

30. In the absence of a Committee discussion on the nature and preparation of the report on implementation, it is not possible at this time to determine what roles the subsidiary bodies might play. This issue can be revisited later.

G. Advice on research, education and technology

Discussion

31. Effective implementation of the Convention will depend on solid advice regarding current international efforts in research and systematic observation, as well as education, training and public awareness programmes. Advice would be needed on whether these activities meet the needs of the COP, and on how to improve such programmes to better respond to the requirements of the Convention. Informed advice on the latest, and future, technologies for limiting emissions from sources or enhancing sinks of greenhouse gases, their effects, and their relative feasibilities in different circumstances would also be beneficial to the Parties. Concrete and readily achievable ideas to promote international programmes and cooperation in the field of research and development related to climate change, capacity building, technology dissemination and experience sharing could help Parties to implement their commitments.

Comments

32. Article 9.2(c) requires the SBSTA to "identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies". Article 9.2(d) mandates the SBSTA to "provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity building in developing countries". The SBSTA would, therefore, have a major role in advising on means to promote effective implementation of the Convention. Its role would be to inform the Parties on international initiatives and programmes in the areas of capacity building, technology development and transfer, as well as scientific research and systematic observation, and the services they offer. Moreover, a role in evaluating these international programmes to determine whether they meet the needs of the Convention could be envisaged. It could collect and disseminate information on appropriate technologies for limiting emissions of greenhouse gases and adapting to climate change. The CLIMEX initiative could be relevant in this context and could be supportive of the SBSTA (see A/AC.237/51).

H. Implementation of Article 11

Discussion

33. There are several areas related to the operation of the financial mechanism where the subsidiary bodies established by the Convention might have roles to play. These are broached in document A/AC.237/50 on the implementation of Article 11, but are treated in somewhat more detail below. The COP will receive and review at each of its sessions a substantive report from the governing body of the operating entity or entities (see A/AC.237/41, para. 86). In order for the COP to review the report and take appropriate decisions, some analysis and advice may be necessary.

34. The COP may require advice concerning policies, eligibility criteria and programme priorities, the amount of funding necessary and available for the implementation of the Convention and requests for the reconsideration of funding decisions. Advice on activities undertaken by developing country Parties, such as planning, endogenous capacity building including institutional strengthening, training, research and education, that would facilitate the implementation of effective response measures might be useful.

Comments

35. As mentioned above, the SBI will assist the COP in ensuring the smooth and effective implementation of the Convention. It could therefore have a central role to play in responding to the needs of the COP in relation to the implementation of Article 11. The SBSTA, however, might also have a role to play because of its expertise in, and knowledge of, technological choices and methodological questions. The SBSTA could also be authorized to cooperate with the scientific and technical advisory bodies operating under the auspices of the entity or entities, in order to provide advice on scientific and technical matters related to climate change.

III. PROPOSED ALLOCATION OF FUNCTIONS, SCHEDULING AND SUPPORT

A. Proposed allocation of functions

36. The key features of the proposed allocation of functions described in the preceding paragraphs are summarized below.

37. The SBSTA would be concerned mainly with the treatment of the information from competent international scientific bodies, particularly the IPCC. In this context, the SBSTA could be expected to maintain a collaborative network involving relevant organizations and to serve as the point of contact between the Convention structures and such organizations. Some of its important tasks would include reviewing the development of methodologies, advising on improvements in the field of research and systematic observation, technology, education, training and public awareness, and channelling requests from the COP and the SBI to the IPCC and other bodies. The Parties may wish to revisit the issue after the completion of the current round of work on the second assessment report of the IPCC in 1995.

38. The expected products from the SBSTA could include:

(a) A compilation and synthesis of information on the global situation in a form useful to the COP, containing recommendations within its mandate, to be forwarded to the SBI and the COP;

(b) A report on the status of the development and evolution of the methodologies required under the Convention, highlighting areas for attention by the Parties and providing answers to specific methodological questions that may arise. This report could also contain information on other types of methodologies (see para. 15 above);

(c) A report on international programmes in the fields of research and systematic observation, education, training, public awareness, capacity building and information exchange, including an evaluation of whether these efforts meet the needs of the Convention;

(d) A report on technologies for limiting greenhouse gas emissions from sources and enhancing sinks, including information on their development and transfer;

(e) Information on the collaborative arrangements established with competent international bodies, including the IPCC and the operating entity or entities of the financial mechanism;

(f) Inputs intended for use in the report on implementation; and

(g) Any other product as might be deemed necessary.

39. The main function of the SBI would be to convey to the COP assessments of the implementation of the Convention and options for further steps if deemed necessary. It would deal mainly with the information communicated by Parties and, based on the experience gained in the review of national communications, might be able to provide advice on how that process should develop. It could also guide the SBSTA in its work relating to methodologies, and provide inputs for the report on implementation. It might also assist the COP in its relation with the operating entity or entities of the financial mechanism.

40. The expected outputs of the SBI could include:

(a) A report analysing the national communications ;

(b) A compilation and synthesis of that information, including an assessment of the overall aggregated effect of the steps taken by the Parties, and possibly recommendations for further steps if deemed necessary;

(c) Inputs intended for use in the report on implementation;

(d) An analysis of the report from the operating entity or entities of the financial mechanism;

(e) Any other product as might be deemed necessary.

41. In the context of its discussion of the institutional options proposed to meet the needs of COP 1 (see section IV below), the Committee may wish to consider which of the above products would be required for COP 1.

B. Scheduling of subsidiary bodies

42. It will be necessary for the COP to construct a schedule of meetings of its subsidiary bodies, consistent with the relevant provisions of its rules of procedure, that would provide for these bodies to perform their functions in a proper sequence and for the delivery of timely inputs to the COP itself. This schedule should allow time for Parties and the secretariat to provide the necessary inputs for meetings of the subsidiary bodies as well as time to digest the outputs from those meetings.

43. Factors affecting the timing of meetings of subsidiary bodies would include the frequency of:

(a) National communications;

(b) Consideration by the COP of the communications; and

(c) The review by the COP of the adequacy of commitments. (The obligation upon the COP to review the adequacy of commitments for the second time not later than 31 December 1998, and regularly thereafter, should be kept in mind in this context.)

44. Related factors are:

(a) The availability of periodic scientific assessments of climate change, such as the second assessment report of the IPCC, due late in 1995;

(b) The availability of the reports of the entity or entities operating the financial mechanism of the Convention;

(c) The time needed to translate and distribute documents;

(d) The cost of holding meetings, including the costs of secretariat inputs and of conference services, as well as the availability of such services; and

(e) The cost to Parties of building and maintaining their capacities to contribute to meetings and of travelling to participate in them.

45. With these considerations in mind, the Committee may wish to make recommendations regarding the frequency and duration of meetings of the two subsidiary bodies, taking account of the frequency of sessions of the COP.

C. Technical and analytical support

46. As indicated in para. 18 above, the Committee has agreed that the subsidiary bodies should carry out a thorough analysis of national communications and a compilation and synthesis of the information provided therein (A/AC.237/41, para. 62). The Committee has not yet reacted explicitly to requests by the interim secretariat for guidance concerning the technical and analytical work that might be required of it to support these efforts in preparation for COP 1.

47. If substantial work were to be requested of the interim secretariat, it would need time to mobilize resources and staff beyond its present capacities. An estimate of additional staff and other costs that might be required is contained in the report of the Executive Secretary on the activities of the interim secretariat (A/AC.237/54). Guidance on this matter is urgently sought from the Committee at its ninth session.

48. The Committee might also consider the possibility of Parties providing technical and analytical support to the process of communication and review of information, through the mobilization of groups of national technical experts to undertake analysis, compilation and synthesis of information on the global situation and of information contained in national communications. This could be an alternative or a supplement to work by the interim secretariat, which could also assist in ensuring coordination of the different efforts.

IV. POSSIBLE INTERIM ARRANGEMENTS PRIOR TO COP 1

49. The COP, in undertaking the tasks assigned by the Convention to its first session (scheduled for March/April 1995), would benefit from inputs from the subsidiary bodies. However, these bodies are not yet functioning. The Committee, at its eighth session, identified three institutional options for ensuring that COP 1 would receive the desired inputs (A/AC.237/41, para. 72). These options have been examined by the interim secretariat, taking account of comments from the United Nations Office of Legal Affairs.

A. Option A: Convene the subsidiary bodies before COP 1

50. The first option is to convene the subsidiary bodies on an interim basis before COP 1. The subsidiary bodies, having been established by the Convention (Articles 9 and 10), may be convened once the Convention enters into force, even before COP 1. It would not be for the Committee to convene these bodies, though the Committee could make a recommendation to that effect. The bodies could be convened by decision of the Parties, whose positions on that question would have to be ascertained by the interim secretariat.

51. This option, though feasible, is not advisable on legal grounds. It would entail the subsidiary bodies meeting without the guidance that they should receive from the COP, "the supreme body" of the Convention (see Articles 7.2, 9.2 and 10.2). They would also be meeting without their rules of procedure having been adopted by the COP (see Article 7.2(k)). Furthermore, the COP would not be able to elect their Chairmen (see draft rule 27.3 of the draft rules of procedure of the COP, A/AC.237/27/Rev.2).

52. Moreover, the exercise of this option would result in two parallel intergovernmental processes related to the Convention: on the one hand, the Committee, under the General Assembly, open to all member States and coordinated by its Bureau and, on the other, the subsidiary bodies, without any established institutional oversight and with membership limited to Parties. This situation might give rise to overlapping and contradictory actions.

B. Option B: Use the Committee as proxy for the subsidiary bodies

53. The second option is for the Committee itself to carry out the tasks of the subsidiary bodies, on an interim basis, and make recommendations thereon to COP 1. This option is, in institutional terms, the simplest of the three, being based on the status quo. It is feasible within the mandate of the Committee pursuant to General Assembly resolution 47/195, paragraph 6, and within the framework of the rules of procedure of the Committee.

54. Under this option, the Committee would need to decide on the assignment of the tasks of the two subsidiary bodies to existing or new working groups, or a combination thereof. To the extent that one or both of the existing working groups were used, care would need to be taken that they could still fulfil the mandates already given to them by the Committee at its sixth session (A/AC.23/24, para. 44). If one or two new working groups were set up, the Committee would need to elect their officers. The Committee's established practice that no more than two working groups should meet simultaneously would have to be respected (see decision 1/1 of the Committee on the establishment of subsidiary organs and organization of work, document A/AC.237/6).

55. Since the Committee is open to all member States and the membership of subsidiary bodies is limited to Parties, it would be desirable for an understanding to be reached whereby only States that are Parties participate in decisions with respect to tasks being undertaken by the Committee on behalf of the subsidiary bodies.

C. Option C: Hold COP 1 in two parts, with the subsidiary bodies in between

56. The third option is for the subsidiary bodies to meet during COP 1, which would be held in two parts. The first part of the session would be a brief organizational part, at which the COP would elect its Bureau and the Chairmen of the subsidiary bodies, adopt the rules of procedure and those of the subsidiary bodies, and convene the subsidiary bodies. The COP would then suspend the session, and resume later to conduct its substantive business once it had received the reports of the subsidiary bodies.

57. While this option is consistent with the provisions of the Convention, it gives rise to practical difficulties. If the two parts of COP 1 and the subsidiary bodies were to meet within a normal two-week meeting period, or indeed the period indicated for COP 1 (28 March-7 April 1995), this would allow insufficient time for the processes to unfold. For this reason, this variant is not attractive.

58. In a second variant of this option (option C.2), the organizational part of COP 1 and the meetings of the subsidiary bodies could take place some weeks prior to, and in a different location from, the substantive portion of COP 1. This would allow sufficient time for the various steps in the process but would entail the formal opening of COP 1 elsewhere than in the host country. This would blur public and media perceptions of COP 1 as a distinct and special event in the evolution of the Convention.

D. Implications of the three options: scheduling and related costs

59. Action to be taken by or on behalf of the subsidiary bodies cannot start before the first communications are available. On the assumption that the Convention will enter into force by 31 March 1994, the communications by Annex I Parties should be available by 30 September 1994, in accordance with Article 4.2(b). An additional factor is that the IPCC special report is due to be completed in November 1994. At the other end of the schedule, action would have to be completed by the end of February 1995 for documents to be available in the official languages to delegations before the opening of COP 1 in Berlin. The time span for action is, therefore, October 1994 to February 1995.

60. One session of the Committee is scheduled within this period: the eleventh session, which is to take place in New York from 6 to 17 February 1995. This meeting period would be available for the Committee to undertake the functions of the subsidiary bodies (option B above). With the concurrence of the Committee, part or all of the conference services available during those two weeks could also be used to accommodate options A or C.2. In this way additional costs would be avoided, whether for conference services or for participation by delegates and secretariat staff. 1/ Moreover, consideration would have to be given to how the work of the tenth session of the Committee (22-31 August 1994) would be affected by such a decision.

61. Under any of the three options, the question arises whether the two-week period available in February 1995 would suffice to complete the tasks of the subsidiary bodies, as well as the remaining work of the Committee itself. This question is more acute in the case of option C.2, since the organizational part of COP 1 would also have to fit into the two weeks.

62. Items on the Committee's work programme that are not covered by the tasks of the subsidiary bodies, and that might still be outstanding in February 1995, could include matters relating to criteria for joint implementation, to the financial mechanism and to the permanent secretariat. In addition, the Committee may be the forum for consultations on elections and organization of work at COP 1.

63. Should the Committee consider that two weeks in February 1995 would not suffice for this workload, options for obtaining additional meeting time would have to be explored. If it were felt that a further week would be needed, the most economical way of achieving this would be to hold a three-week session, preferably by adding a week to the beginning or the end of the session currently scheduled. Holding an additional session, say in January 1995, would impose extra travel requirements, notably on the special voluntary fund for participation. The addition or extension of a session of the Committee would need to be approved by the General Assembly, on the recommendation of the Committee on Conferences.

E. Conclusion

64. In the light of the above considerations on possible interim arrangements prior to COP 1, the Committee might want to reach consensus on which of the three institutional options is to be pursued. Option B appears to be preferable because it is the simplest and the easiest to implement. In this context, the Committee might want to consider how best to organize its remaining work, how to use its eleventh session to perform the tasks allocated to the subsidiary bodies and whether to seek additional meeting time.

Note

1/ This statement assumes that no distinction would be made, for budgetary purposes, between meetings of the Committee and meetings of Parties. Since the General Assembly is expected to include COP 1 in the United Nations Calendar of Conferences, it may be considered permissible for conference services allocated to the Committee to be made available for meetings of the subsidiary bodies before COP 1 (option A) or for an organizational part of COP 1, followed by the subsidiary bodies (option C.2).

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MATTERS RELATING TO COMMITMENTS

REVIEW OF ADEQUACY OF COMMITMENTS IN ARTICLE 4.2(A) AND (B)

Note by the interim secretariat

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I. INTRODUCTION

A. Committee mandate

1. The work plan adopted by the Committee at its sixth session included task A.4, "Review of adequacy of commitments in Article 4.2(a) and (b)" (A/AC.237/24, para. 44). The task was assigned to Working Group I. It was noted that issues to be considered would include:

- The nature and sources of information to be taken into account
- Requests for such information in time for the Conference of the Parties (COP) process
- The role of the Subsidiary Body for Scientific and Technological Advice (SBSTA)

2. It was also noted that the second assessment report by the Intergovernmental Panel on Climate Change (IPCC) would not be ready before September/August 1995 (now expected at the end of 1995), but that a special report would be prepared by the IPCC in mid-1994 (now expected in November 1994). The Committee would, however, be kept informed of progress in the work of the IPCC through the interim secretariat and the chairman of the IPCC.

3. The Committee, at its seventh session, decided not to include the review of adequacy of commitments in the list of priorities for Working Group I at the eighth session (A/AC.237/31, para. 49). However, that session saw some headway made in the consideration of the process for the communication and review of information, which also touched upon the review of adequacy of commitments (A/AC.237/41, paras. 57-66). As a result, the Committee asked the interim secretariat to provide additional information for the ninth session to facilitate discussion on the first review of the adequacy of commitments (A/AC.237/41, para. 64).

B. Convention provisions

4. Article 4.2(d) calls specifically on the COP (COP 1), at its first session, to review the adequacy of Article 4.2(a) and (b), which contains commitments by developed country Parties included in Annex I relating to the limitation of greenhouse gas emissions and the protection and enhancement of sinks and reservoirs. Article 4.2(d) further provides that "such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in [Article 4] subparagraphs (a) and (b)". Article 4.2(d) further stipulates that the second review of these subparagraphs shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the COP, until the objective of the Convention is met.

C. Scope of the note

5. The intention of the present note is to provide the Committee with information and suggestions on how to approach the first review of the adequacy of commitments in Article 4.2(a) and (b) (hereafter referred to as "review of the adequacy of commitments"). Section II outlines the working hypothesis for the scope of the review on which the interim secretariat has based the content of this note. Section III describes the various inputs to the review of the adequacy of commitments. Section IV presents possible options available to the COP for responding to the outcome of such a review.

6. This note draws upon the Convention and makes use of the documentation prepared for the eighth session, especially document A/AC.237/36 and Add.1. It also draws upon and reflects aspects of documents A/AC.237/44 on methodological questions, A/AC.237/45 on the first review of information and A/AC.237/46 on the roles of the subsidiary bodies.

D. Possible action by the Committee

7. As this will be the first opportunity to consider the review of the adequacy of commitments, the Committee may wish to have a thorough exchange of views on the issue. Preliminary conclusions on the **scope of the review, expected inputs** and their **timing and scheduling**, and on **institutional responsibilities** relating to the delivery of products needed at the first session of the COP would be useful. In this regard, the Committee's decision regarding **possible interim arrangements** to carry out the tasks of the subsidiary bodies prior to COP 1 will be of particular importance for the process of reviewing the adequacy of commitments. The Committee may wish to give indications of whether COP 1, based on current work programmes and schedules, will have sufficient information in time to carry out a meaningful review of the adequacy of commitments, and if not, **what additional work would be required**. In the latter case, it would be important to indicate who should undertake the work and when the results should be available. The Committee may also wish to consider possible scenarios for COP 1, in particular the **type of decisions that could result from the review** and any follow-up actions that might be initiated. Some attention will have to be paid to ensuring consistency between conclusions on this document and on relevant aspects of document A/AC.237/46 on the roles of the subsidiary bodies.

II. SCOPE OF THE REVIEW

8. In preparing this note, the interim secretariat has been guided by the following working hypothesis on the scope of the review. The subject of the review would be the adequacy of subparagraphs (a) and (b) of Article 4.2 in their entirety, with particular attention to the commitments contained therein. The primary point of reference for the review has been assumed to be the ultimate objective of the Convention contained in Article 2 and the progress towards its achievement. In this hypothesis, the process for the review of the adequacy of commitments is assumed to be separate from the review of the implementation of these commitments although the aggregate assessment resulting from the latter review would be

relevant to the consideration of possible follow-up action. It has also been assumed that the reviews to be undertaken by the COP in fulfillment of its responsibilities under Article 7.2(a) and (e), namely, to examine periodically the implementation of the Convention as a whole, the obligations of the Parties and the institutional arrangements, are distinct from the reviews of the adequacy of Articles 4.2(a) and (b) and will be undertaken at future sessions of the COP.

III. INPUTS TO THE FIRST REVIEW OF THE ADEQUACY OF COMMITMENTS IN ARTICLE 4.2(A) AND (B)

9. As concluded at the eighth session, the review of the adequacy of commitments would be based primarily on a compilation and a synthesis of information on the global situation (A/AC.237/41, para. 63). A technical analysis and a compilation and synthesis of the information in national communications would also contain input, particularly with regard to the aggregate effect of measures, relevant to the consideration of any follow-up actions.

10. The sources of the inputs to the first review of the adequacy of commitments are considered in document A/AC.237/46 on the roles of the subsidiary bodies. That document recommends that the main responsibility for the function of supporting the COP in the review of the adequacy of commitments should rest with the Subsidiary Body for Implementation. The Committee's decision on how the work of the subsidiary bodies should be carried out prior to COP 1 will be particularly relevant to the process for the first review of the adequacy of commitments.

A. Information on the global situation

11. Article 4.2(d) provides that the review of the adequacy of commitments in Article 4.2(a) and (b) shall be carried out in the light of scientific, technical, social and economic information -- referred to here as information on the global situation. COP 1, and any forum undertaking preparatory work in the interim, would have available to it information on the global situation from competent scientific bodies, notably:

(a) The IPCC first assessment report (1990);

(b) The supplement to the IPCC first assessment report (1992);

(c) The special report of the IPCC to be available in November 1994 which is expected to include updated information on carbon dioxide and the carbon cycle, other trace gases and atmospheric chemistry, atmospheric aerosols, radiative forcing, the relative importance of emissions of different greenhouse gases, emissions scenarios and sensitivity studies; and

(d) Any compilation and synthesis of the above information prepared under the authority of the interim SBSTA or the Committee acting on its behalf, as decided by the Committee pursuant to its consideration of document A/AC.237/46.

12. Other sources of information on the global situation could also be taken into account. It is not clear, however, whether the interim arrangements and the time-frame leading up to COP 1 would allow for their consideration; even a compilation and synthesis of information from the IPCC on the global situation might be difficult to achieve and to make available in the official languages in time for COP 1. In this respect, an early decision on the actions to be taken prior to COP 1, including any role for interim subsidiary bodies or for the Committee, as well as any supporting work by the interim secretariat would help lay the groundwork for the review of the adequacy of commitments.

13. In reviewing the information on the global situation, special attention might be paid to the following (to the extent that it is available):

(a) The science of climate change, including the trends in atmospheric concentrations of greenhouse gases, the sensitivity of global mean surface temperatures to doubling of CO_2, and trends in the global mean surface temperature;

(b) Scientific developments regarding impacts, especially regional impacts, sensitivities of ecosystems, vulnerability of food production and impacts on sustainable economic development;

(c) Knowledge of greenhouse gas sinks;

(d) Technical and/or economic developments related to response options either to mitigate or to adapt to climate change; and

(e) Scientific judgements of key uncertainties.

14. The Committee may wish to provide further guidance on the type and format of the information on the global situation that should be provided to COP 1 for its review of the adequacy of commitments. Any areas requiring additional work would have to be identified as a matter of priority.

B. Information communicated by Annex I Parties

15. It may be assumed that, in accordance with Article 10.2(b), COP 1 would have at its disposal relevant information from national communications in a form appropriate to its needs. In addition to the national communications themselves, it would have before it an analysis of national communications and a compilation and synthesis of the information provided, including the overall effects of policies and measures (see A/AC.237/41, paras. 61 and 62 and A/AC.237/45). The synthesis report transmitted to the COP should consider, in particular, how the effects of the steps taken by Parties relate to the benchmarks set out in Article 4.2(a) and (b) and to the objective of the Convention. This information would be especially relevant to any consideration of possible follow-up to the review of adequacy of commitments.

16. The Committee may wish to provide further guidance on the type and format of the information to be included in the analysis, compilation and synthesis documents.

IV. POSSIBLE FOLLOW-UP TO THE REVIEW

17. COP 1 could conclude, in the light of the available information, that:

(a) **Article 4.2(a) and (b) is adequate** and that

(i) No further action is required at COP 1, or
(ii) COP 1 should establish the date for the second review.

(b) **Article 4.2(a) and (b) is not adequate and some follow-up action is required.** Decisions along the following lines could be envisaged:

(i) Amendments to Article 4.2(a) and (b), or amendments to add relevant new provisions to the Convention, are necessary and should be:

- considered, and possibly adopted, at COP 1, or
- negotiated through a process initiated at COP 1.

(ii) A protocol to the Convention is necessary and should be negotiated through a process initiated at COP 1;

(iii) A resolution by the Parties should be adopted.

18. These options are reviewed below. An option under which the Parties are unable to reach agreement on the adequacy of commitments is not considered here. The option of negotiating an annex to the Convention is also not pursued because of the provisions of Article 16.1 limiting annexes to "lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character." In addition, the note does not address the specific content of possible amendments or protocols.

A. Article 4.2(a) and (b) is adequate

19. COP 1 may conclude that the information on the science of climate change and the relevant technical, social and economic information, do not necessitate any adjustment in the commitments contained in Article 4.2(a) and (b). This could result in a decision to conclude the agenda item or, alternatively, to fix a date for the second review. The Convention requires that the second review take place "not later than 31 December 1998". On the assumption that the COP continues to meet annually, such a review could take place at COP 2 (1996), COP 3 (1997) or COP 4 (1998). The release of the second assessment report by the IPCC in late 1995 could be relevant in this regard. There would also have to be coordination with the decision on the periodicity of subsequent national communications and their review (see A/AC.237/45).

B. Article 4.2(a) and (b) is not adequate -- further action required

20. The following paragraphs review a number of considerations relevant to each option including legal issues and timing.

1. Amendment of the Convention

21. COP 1 could decide that the best way to address any perceived inadequacies in Article 4.2(a) and (b) and to agree on further steps would be through a process of amending the Convention. Amendments to the Convention are dealt with in Article 15, the key provisions of which are as follows:

(a) Any Party may propose amendments;

(b) Amendments shall be adopted at an ordinary session of the COP;

(c) The text of any proposed amendment shall be communicated to the Parties by the secretariat at least six months prior to the meeting at which it is proposed for adoption; and

(d) Adoption shall be by consensus or, failing that, by a three-fourths majority vote of the Parties present and voting.

22. Amendments can, in general, take the form of minor adjustments to the text of an agreement designed to clarify certain provisions or to add additional provisions. Alternatively, they can take the form of entire new articles or sections that would bring additional new substantive provisions to an agreement. When an agreement is composed of many interrelated sections that have been negotiated to establish a balance between them, amendments should take into account this integration. Depending on the prevailing political climate, amendments can take considerable time to develop, adopt and accept. Amendments also have the potential to develop different regimes among Parties to the Convention because only those Parties which accept the amendments are bound by them.

23. In the context of COP 1, it is conceivable that a Party, on the basis of its own analysis of available information on the global situation, could propose an amendment in time for consideration by COP 1. This would mean that the text of the proposed amendment would have to be available and circulated to Parties six months before COP 1, that is, around mid-September 1994. Even though there are no qualifications in the Convention with respect to the basis for proposing an amendment, it would be expected that any proposal would be based on solid information and justification. Although the COP would not have met to effect a review of the adequacy of commitments at the time the amendment is proposed, an analysis of information on the global situation could indicate the desirability of the Parties adopting measures to amend the commitments in Article 4.2(a) and (b). It could be expected that any proposed amendment would be considered in the context of the interim arrangements to carry out the functions of the subsidiary bodies prior to COP 1.

24. In this scenario, any proposed amendments would be considered at COP 1 immediately after completion of the review of the adequacy of commitments. This could result in a decision to adopt the proposed amendments, to reject the proposed amendments, or to give them further study. The latter scenario could entail one of the subsidiary bodies, or some other ad hoc open-ended body under the Convention, being asked to examine the proposals and report back to the next session of the COP.

25. In the event that no amendments are submitted prior to COP 1, the Parties could still, on the basis of a determination that Article 4.2(a) and (b) is not adequate and that further steps were required, consider amending the Convention. In this case, the COP could ask one of the subsidiary bodies, or some other ad hoc open-ended body under the COP, to consider or negotiate possible amendments for consideration at COP 2. The six-month circulation provision would have to be borne in mind.

2. Negotiating a protocol

26. COP 1 could decide that the best way to address any perceived inadequacies in Article 4.2(a) and (b) and to agree on further steps would be through the negotiation of a protocol to the Convention rather than by opening the text of the Convention. (Although technically possible for COP 1 to adopt a protocol proposed by a Party, this option is not considered here.) Protocols are dealt with in Article 17, the key provisions of which are that:

(a) The COP may adopt protocols at any ordinary session;

(b) The text of any protocol shall be communicated to the Parties at least six months before a session;

(c) The requirements for entry into force of any protocol shall be established by that instrument; and

(d) Decisions under any protocol shall be taken only by the Parties to that protocol.

27. Protocols enable Parties to elaborate on important issues in an agreement without renegotiating the text of that agreement. They can establish new commitments or address the timing of implementation. They can be focused on a particular problem, gas, policy instrument or sector and have the advantage of allowing the Parties to deal with the subject in some detail. The negotiation and adoption of protocols, however, can take as long as, or longer than, the negotiation of a convention. This is particularly true because protocols are normally more detailed and technical and can therefore take considerable time to ratify. They are legally binding only upon the Parties ratifying, accepting or approving them. Thus, as with amendments, there is the potential for the development of different regimes among Parties.

28. If COP 1 were to decide that the negotiation of a protocol should be initiated it would have to decide on the appropriate forum for such negotiations. Options include one of the subsidiary bodies or an ad hoc open ended working group. It would also have to agree on the

mandate of the forum. For example, it could be asked to develop options for consideration by the COP or actually to negotiate a draft protocol. The COP would also have to provide guidance on when results should be reported back to it. Most important, the COP would have to decide on the subject matter of any protocol. It could also provide guidance on how the institutional frameworks of the Convention and a protocol should relate to one another.

C. Adoption of a resolution by the Parties

29. COP 1 might conclude that the best way to address any perceived inadequacies in Article 4.2(a) and (b) would be through the adoption of a resolution that would clarify or interpret the relevant text, provide guidance to the Parties in implementing the Article, or reflect a political statement of will by the Parties. Such a resolution would be adopted in accordance with the decision-making procedures laid down in the rules of procedure and would be included in the report of COP 1. It would not, however, be legally binding.

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MATTERS RELATING TO COMMITMENTS

The report on implementation

Note by the interim secretariat

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Annex

Possible format and elements of the first report on implementation 7

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I. INTRODUCTION

A. Committee mandate

1. At its eighth session, in the context of its conclusions on the first review of information, the Committee requested the interim secretariat to provide "considerations on the format and content of the report of the [Conference of the Parties] COP on implementation (Article 7.2(f))" (A/AC.237/41, para. 65). It further requested that the document address the kind of secretariat support needed, including financial and human resource implications.

B. Scope of the note

2. This note is a first effort by the secretariat to meet these requests in anticipation of the consideration of the report on implementation (ROI) at the first session of the COP (COP 1). It should be read in concert with the documents, also before the ninth session, on the first review of information (A/AC.237/45), the review of the adequacy of commitments (A/AC.237/47) and the roles of the subsidiary bodies (A/AC.237/46) because of the many linkages between the issues concerned.

3. Section II of this note reviews relevant provisions of the Convention. Section III considers the nature of the ROI and poses questions for consideration by the Committee. Section IV analyses the potential requirements for secretariat support, including the financial and human resource implications. A possible format, including elements of the first ROI, is attached as an annex.

C. Possible action by the Committee

4. The agenda of the ninth session is particularly crowded. If time permits, the Committee may wish to have a brief general exchange of views on the nature of the ROI. Alternatively, delegations could provide written comments to the interim secretariat particularly with regard to the questions posed in section III. In either case, a revised document would be prepared for the tenth session at which time initial planning decisions would be required if an ROI is to be issued in the context of COP 1.

II. CONVENTION PROVISIONS

5. The Convention provides that the Conference of the Parties shall "consider and adopt regular reports on the implementation of the Convention and ensure their publication" (Article 7.2(f)). Other relevant provisions of Article 7.2, especially the chapeau and subparagraph (e), require the COP, on the basis of all the information made available to it, to assess:

(a) The implementation of the Convention by the Parties;

(b) The overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts; and

(c) The extent to which progress towards the objective of the Convention is being achieved.

6. Other provisions of the Convention are also directly relevant to the concept of an ROI. These include the following:

(a) The process for the communication and review of information from the Parties;

(b) The reviews of adequacy of commitments that are required at COP 1 and not later than 31 December 1998 (Article 4.2(d));

(c) The decisions to be taken by the COP at its first session on the arrangements to implement the provisions of Article 11 on the financial mechanism as well as any future decisions related to the financial mechanism; and

(d) The other matters for decision at COP 1 as provided for in the mandate of the Committee.

III. NATURE OF THE REPORT ON IMPLEMENTATION

7. Taking account of the provisions of the Convention, the purpose of the report could be described as being to disseminate information on:

(a) The implementation of all aspects of the Convention by the Parties; and

(b) The international response to the climate change problem.

In order to facilitate discussion and obtain guidance from the Committee on the nature of the ROI, the interim secretariat proposes the following questions for consideration. The questions are posed in regard to the concept of the ROI in general and are not limited to the first ROI.

8. **Who should be the principal audience for the ROI?** One option, which would clearly distinguish the ROI from other COP documents and serve to fill a void, would be to design the ROI as a public outreach document that would explain the Convention and the resulting international action. Such a document would be targeted to policy makers, Government and business leaders, concerned citizens and journalists, that is, the informed public rather than experts on climate change or the Convention.

9. The decision on the intended audience will influence the style of the document. **Should the ROI be written in a popular, highly readable style or in a more detailed, technical style?** The answer to this question will have implications in terms of resource requirements, preparation time and public profile. While it is possible to suggest that the ROI could be composed of a popular summary and a highly technical report, it might be asked whether such a hybrid would be necessary bearing in mind the proposed audience. Moreover, the COP will have other technical documents at its disposal which will also be available to the public.

10. **What should be the place of the document in the sequence of COP activities?** The Committee may wish to consider whether the ROI would be designed as a document that, in reporting on the implementation of all aspects of the Convention:

(a) Provides a background for the deliberations of the COP and is published shortly before a COP session; or

(b) Reflects, and reports on, the decisions taken by the COP and is published soon after a COP session.

11. In this context, it will be important to situate the ROI within the spectrum of documents that will be considered by the COP -- and to avoid duplications of effort. These other documents are likely to include the national communications, the analysis and the compilation and syntheses of the communications, information on the global situation, the report of the operating entity (or entities) of the financial mechanism, the report of the session and any other relevant inputs resulting from the work of the subsidiary bodies (see A/AC.237/45, A/AC.237/46 and A/AC.237/47). It could be expected that much of the substantive content of the ROI would be drawn from such of these documents as would be available at the time of its preparation.

12. **Should the text of the ROI undergo a detailed process of consideration and adoption by the COP or should it be issued by the secretariat?** This question is directly related to the previous question posed and the answer should take account of the following:

(a) If the ROI is to be issued prior to a COP session, it would have to be issued by the secretariat drawing, inter alia, on the results of the work of the subsidiary bodies. The conclusions of the COP after consideration of the ROI would then serve to give general guidance to the secretariat for the preparation of subsequent ROIs. (It should be noted that for COP 1 it would be difficult, if not impossible, for the interim secretariat to prepare the ROI for release prior to that session, owing to the other anticipated demands on its time.)

(b) If, on the other hand, it is to be published after a COP session, the question arises as to whether the text would have to be considered and formally adopted by the COP prior to being released. This would imply that significant elements of the text would have to be drafted, translated and considered in the limited time available at a COP session. It is not inconceivable that such logistical challenges could prevent approval, and thus publication, of the ROI until after the following COP a year later. One means of avoiding such timing problems would be to mandate the secretariat to finalize the document on the basis of a discussion at the COP and under the guidance of the Bureau.

13. **What should be the frequency of publication of ROIs?** The Convention provides that a report on implementation should be issued regularly. Options include:

(a) A new ROI could be issued for, or subsequent to, each COP, that is, annually;

(b) A new ROI could be issued at intervals allowing enough time for new information to emerge. This could be linked to the frequency of national communications, which remains to be decided by the COP, and to the frequency of the major review exercises. Options include every two, three or four years;

(c) If option (b) were preferred, a variant on it might see the publication of an update for or after each COP during the years when a full ROI was not released.

IV. REQUIREMENTS FOR SECRETARIAT SUPPORT

14. The type and frequency of the ROI that is eventually agreed upon will condition the financial and human resource requirements for its preparation and production. If the Committee agrees that the content of the ROI should be drawn largely from other documents prepared for or by the COP, the additional secretariat requirements should be modest. If, on the other hand, the Committee were to decide that the ROI should be based on additional analytical work explicitly for the purposes of the ROI, the secretariat support needed would be considerably higher. The preparation of a first ROI is reflected as a proposed resource requirement for the interim secretariat in document A/AC.237/54.

15. In order to provide general indications of financial implications, the interim secretariat has developed cost estimates for two types of report:

(a) A concise document of 50 pages aimed at policy decision makers as well as the informed or interested public and written in a popular style; and

(b) A sizeable document of 200 pages aimed at an expert audience and written in a detailed, technical style.

16. The following table presents preliminary, broad-brush estimates of the associated financial and human resource requirements. More detailed figures can be developed once the Committee's views are known. **The estimates do not reflect the financial and human resource requirements for the production of the documentation from which the content of the ROI is assumed to be drawn.** If the document is to have a public outreach character, it will be important to ensure there are sufficient resources for its effective dissemination. The Information Unit on Climate Change of the United Nations Environment Programme/World Meteorological Organization could assist in disseminating the ROI.

	Option (a)		Option (b)	
	Function	**Work months**	**Function**	**Work months**
Staff requirements	officer	4-6	officer(s)	6-12
	communications or publications adviser	1-2	communications or publications adviser	2-3
	secretary	2-3	secretary	4-6
Financial costs	US dollars		US dollars	
Staff (from above)	105 000		210 000	
Translation (all languages)	20 000		90 000	
Production, design and printing (10 000 copies)	35 000		50 000	
Release and distribution	25 000		35 000	
TOTAL	180 000		385 000	

Annex

POSSIBLE FORMAT AND ELEMENTS OF THE FIRST REPORT ON IMPLEMENTATION

1. The following proposals for the format and contents of the first ROI have been prepared with a view to giving the Committee a sense of what the document might entail. The proposals are based on an assumption that the first ROI would be published after, and report on the decisions taken at, COP 1. If the document were to be an input to COP 2, the context proposed below would have to be amended to take account of the work undertaken in preparation for the second session. In any case, a revised proposal on format and content would be included in the documentation for the tenth session, taking account of the comments made on this document.

Introduction

2. The introductory section could be used to provide the context and a brief history of the Convention. It could highlight the number of Parties, and identify them -- possibly using a graphic, chart or annex including Parties' percentage of global emissions and GDP -- and note those countries that had signed but not yet ratified or acceded to the Convention. Similar data for non-Parties might be provided for comparative purposes. This section could also report on any countries that had agreed to be bound by the obligations in paragraphs 2 (a) and (b) of Article 4 in accordance with Article 4.2(g).

Commitments -- mitigation and adaptation

3. This would clearly be the most challenging section to prepare because of the complexity of the issues and the volume of information to be presented. The following could be one approach:

Global situation

4. The subsection could have three main objectives:

(a) To summarize the most recent findings on the scientific understanding of climate change, its rate, magnitude and impacts;

(b) To present a comprehensive picture of global emissions and removals of greenhouse gases; and

(c) To relate this information to the objective of the Convention (Article 2).

5. The principal sources of information could include the report to the COP on the global situation (reflecting the conclusions of the IPCC) along with any relevant conclusions from the subsidiary bodies (if established on an interim basis), the national communications from Annex I Parties, and any information received on a voluntary basis from other Parties.

6. Data could be expected to include:

(a) Concentrations of greenhouse gases (GHGs) in the atmosphere (historical, current and available projections) with an emphasis on identifying trends;

(b) Aggregate global emissions and removals of GHGs for 1990 and any available scenarios, with breakdowns by gas and by sector in accordance with the agreed methodologies for inventories and the guidelines for national communications; and

(c) Any new information on the level of greenhouse gas concentrations in the atmosphere that would prevent dangerous anthropogenic interference with the climate system and the time-frame within which such a level should be achieved, with reference to ecosystem adaptation, non-disruption of food production and sustainable economic development.

7. Some disaggregated information might also be useful. For example, emissions and removals by Annex I countries and, depending on the availability of reliable aggregate information, by non-Annex I countries as a group could be presented. (Other disaggregations might also be possible.) In view of Article 4.6, some data specific to the countries with economies in transition might also be appropriate.

8. Some assessment of the relationship between the projected emissions on the one hand, and the Convention objective and the benchmarks established in Article 4.2(a) and (b) on the other, could be appropriate. It should be kept in mind that this information would not be developed primarily for the ROI; rather, it would be extracted from other documents prepared for and submitted to COP 1.

9. This section could also report on progress in improving methodologies and identify methodological challenges that need to be addressed.

Article 4.1 commitments

10. The focus of this section could be to report on implementation of the commitments in Article 4.1, drawing on the Annex I Parties' national communications. Of particular importance would be information on the following: 1/

(a) National and/or regional mitigation programmes (Article 4.1(b)) -- to the extent that these are not addressed in the following section on policies and measures;

(b) Sink enhancement (Article 4.1(d));

(c) National and/or regional adaptation programmes and preparations for adaptation (Article 4.1(b) and (e));

(d) How climate change considerations have been taken into account (Article 4.1(f));

(e) Research and systematic observation (Article 4.1(g) and Article 5);

(f) Exchange of information (Article 4.1(h)); and

(g) Education, training and public awareness (Article 4.1(i) and Article 6).

Annex I Parties' policies and measures

11. This subsection could be drawn from the national communications of Annex I Parties, or any technical analysis and compilation and synthesis documents that will be prepared. It could provide a comprehensive overview of the types of policies and measures being implemented. Summary charts, possibly disaggregated by Party and by measure, could be a useful way to present much of this information.

12. The ROI could also report on the information received relating to the environmental, economic and social impacts of the policies and measures implemented, in particular their projected effects on emissions.

Review of adequacy of commitments and any follow-up action

13. This subsection could, depending on the nature of the ROI, report on any decisions taken by COP 1 with regard to the adequacy of commitments in accordance with Article 4.2(d). If these decisions related to amendments to the Convention or protocols, reporting on the implementation of Articles 15 (Amendments) and 17 (Protocols) would then be appropriate.

Joint implementation

14. The ROI could report on the decisions taken by the COP with regard to criteria for joint implementation. In this context, it could also report on joint implementation activities included in national communications and the overall contribution they have made to achieving the objective of the Convention.

Commitments -- finance and technology

15. This section could report on the implementation of Articles 4.3, 4.4, 4.5, 7.2(h), 11 and 21.3. For the first ROI, it could be based on the communications from Annex II Parties, the report to COP 1 by the interim operating entity of the financial mechanism and, depending on the nature of the ROI, any decisions taken by the COP with regard to the financial mechanism.

16. The principal elements of the section could include information on:

(a) A report on any decisions taken by COP 1 related to the financial mechanism, including the rationale for such decisions;

(b) The contributions to the interim operating entity of the financial mechanism by Annex II Parties and their reported financial transfers through channels other than the interim operating entity (as provided for in Article 11.5);

(c) A report on the operations of the interim operating entity relating to the funding of climate change (for example, replenishment levels; proposed or agreed level of funding for the Framework Convention on Climate Change and for the climate change focal area, including considerations on the adequacy and predictability in the flow of funds; climate change project funding to date and future activities to the extent known); and

(d) A report on activities related to technology transfer and cooperation, including endogenous capacity building, carried out through the financial mechanism, other official channels and by the private sector.

Convention institutions

17. The section on Convention institutions could report on how the main institutions of the Convention were operating (with the exception of the financial mechanism which would be treated separately). It would focus on the activities of, or plans for, the SBSTA and the SBI, particularly with regard to how they would operate to facilitate the on-going implementation of the Convention. An assessment of the first round of the process for the communication and consideration of information could be useful as might a description of the planned future arrangements.

18. Brief reports could also be provided on significant developments related to the COP and to the designation of the permanent secretariat, its funding, structure and key activities. It might also be useful to report on cooperation with competent international organizations and intergovernmental and non-governmental bodies (Article 7.2(l)) and on the relevant activities of such bodies.

Note

1/ This is only a partial listing of the elements in Article 4.1. Those omitted were deemed to be covered by the following paragraphs of this note:

Article 4.1(a) by paragraph 7
Article 4.1(c) by paragraph 16(d)
Article 4.1(j) by paragraph 17

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